

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

Charlwell Operating LLC

Kimwell Operating LLC

KD Operating LLC

NSL Blue Hills LLC

NSL Brigham LLC

NSL Country Gardens LLC

NSL Crawford LLC

NSL Franklin LLC

NSL Hanover LLC

Chapter 7

Case No. 20-10977-MSH

Case No. 20-10978-MSH

Case No. 20-10982-MSH

Case No. 20-10983-MSH

Case No. 20-10984-MSH

Case No. 20-10985-MSH

Case No. 20-10986-MSH

Case No. 20-10987-MSH

Case No. 20-10988-MSH

Debtors.

**MOTION BY CHAPTER 7 TRUSTEE FOR ENTRY OF ORDER DIRECTING
JOINT ADMINISTRATION OF CHAPTER 7 CASES**

Joseph G. Butler, as the Chapter 7 Trustee (the “Trustee”) of the affiliated debtors Charlwell Operating LLC, Kimwell Operating LLC, KD Operating LLC, NSL Blue Hills LLC, NSL Brigham LLC, NSL Country Gardens LLC, NSL Crawford LLC, NSL Franklin LLC and NSL Hanover LLC (the “Affiliated Debtors”) hereby moves this Court for the entry of an order pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure and Rule 1015-1(a) of the Massachusetts Local Bankruptcy Rule directing joint administration of these Chapter 7 cases. The requested joint administration would be for procedural purposes only. The Debtors are affiliates as defined under 11 U.S.C. §101(2). Approval of this motion will dispense with otherwise unnecessary and potentially duplicative filings and will ease the administration burden on the Court and all interested parties. The Trustee requests that this Court designate the case captioned as Charlwell Operating LLC, Chapter 7 Case No. 20-10977-MSH as the

lead case in these bankruptcy proceedings. In further support of this motion, the Trustee states as follows:

On April 13, 2020, Charlwell Operating LLC and Kimwell Operating LLC filed voluntary petitions under Chapter 7 of the Bankruptcy Code with this Court and the Trustee was appointed as the Chapter 7 trustee in both cases. On April 14, 2020, KD Operating LLC, NSL Blue Hills LLC, NSL Brigham LLC, NSL Country Gardens LLC, NSL Crawford LLC, NSL Franklin LLC and NSL Hanover LLC filed voluntary petitions under Chapter 7 of the Bankruptcy Code with this Court. On April 15, 2020, the Trustee was appointed as the Chapter 7 trustee in the cases of KD Operating LLC and NSL Blue Hills LLC. On April 17, 2020, the Trustee was appointed as the Chapter 7 trustee in the cases of NSL Brigham LLC, NSL Country Gardens LLC, NSL Crawford LLC NSL Franklin LLC and NSL Hanover LLC.

Relief Requested

Federal Rule of Bankruptcy Procedure 1015(b) provides that if two or more petitions are pending in the same court by or against a debtor and an affiliate, “the court may order a joint administration of the estates.”

MLBR 1015-1(a) provides that “the court shall grant the motion for joint administration if it is likely to ease the administrative burden on the parties and the court.”

Joint administration of the Affiliated Debtors’ cases is appropriate. The Trustee expects to file notices, applications, motions, and other pleadings and proposed orders that will be applicable to all of Affiliated Debtors’ estates. Joint administration will permit all parties in interest to include all of the Affiliated Debtors’ respective cases in a

single caption on the documents that will be filed and served in these cases. Joint administration will also enable parties in interest in each case to remain apprised of the various matters before the Court in all of the cases and will enable the Trustee to utilize a single creditor service list eliminating duplication.

Joint Administration will permit the Clerk of the Court to utilize a single general docket for these cases and combine notices to creditors of all of the Affiliated Debtors' respective estates and other parties in interest. Joint administration will simplify the supervision of the aspects of the Chapter 7 cases by the Court and the Office of the United States Trustee.

The entry of an order of joint administration will significantly reduce the number of pleadings that otherwise would be filed with the Clerk of Court, render the completion of various administrative tasks less costly, and minimize the number of unnecessary delays.

The Trustee is not aware of any facts that would give rise to actual or potential conflicts of interest caused by joint administration. The Trustee is seeking substantive consolidation of the Chapter 7 cases through this motion. The rights of creditors of each of the Affiliated Debtors will not be adversely affected nor prejudiced by the entry of an order directing the joint administration of these cases.

To the Extent that proofs of claim are required to be filed, each creditor will be entitled, and required, to file a claim against the particular estate that is indebted to such creditor (unless substantive consolidation is otherwise requested and granted.) Should this Motion be allowed, the Trustee will keep separate and account for the assets and liabilities of each of the respective estates.

For all of the foregoing reasons, the Trustee respectfully requests that the Court enter an order providing for the joint administration of the Affiliated Debtors' cases. The Trustee believes that joint administration of the respective Affiliated Debtors' estates is warranted and will ease the administrative burden for the Court and the parties.

Notice

The Trustee has served this Motion by this Court's ECF Systems, first class mail, upon (a) all known secured creditors; (b) taxing authorities; (c) the 20 largest creditors of each Affiliated Debtors' estate, (d) the Office of the United States Trustee, and (e) all parties who have filed a notice of appearance in this case. In light of the relief requested herein, the Trustee submits that no other or further notice is required.

WHEREFORE, the Trustee respectfully requests the entry of an order, substantially in the form of the attached order: (a) authorizing the joint administration of the Affiliated Debtors' Chapter 7 cases, (b) designating Charlwell Operating LLC, (Chapter 7 Case No. 20-10977-MSH) as the lead case, and (c) granting such other and further relief as the Court deems appropriate.

April 30, 2020

/s/ Joseph G. Butler

Joseph G. Butler, as chapter 7
trustee of the estate of
Charlwell Operating LLC,
Kimwell Operating LLC,
KD Operating LLC,
NSL Blue Hills LLC,
NSL Brigham LLC,
NSL Country Gardens LLC,
NSL Crawford LLC,
NSL Franklin LLC and
NSL Hanover LLC
c/o Law Office of Joseph G. Butler
355 Providence Highway

Westwood, MA 02090
(781) 636-3638
JGB@JGButlerlaw.com